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Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Brazil, Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico and Nicaragua: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 65/212 of 21 December 2010, and recalling also Human Rights Council resolution 18/21 of 30 September 2011,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.

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Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

Taking note with appreciation of the United Nations Development Programme *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

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[7] Ibid., vol. 660, No. 9464.

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*), *Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico *v.* United States of America) (*Mexico* v. *United States of America*), *Judgment* (available from www.icj cij.org/docket/files/139/14939.pdf).

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which, inter alia, recognized the relationship between international migration, development and human rights,

Noting the fifth meeting of the Global Forum on Migration and Development, to be held in Geneva on 1 and 2 December 2011, which will draw together the results and conclusions of fourteen thematic meetings that have taken place worldwide from January to October 2011 on the central theme "Taking action on migration and development — coherence, capacity and cooperation" as a contribution to promoting international cooperation among States and between States and other actors in order to strengthen the capacity of States to address migration and development opportunities and challenges more effectively, and taking note with appreciation of the generous offer of Mauritius to assume the presidency of the Global Forum for 2012,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of Government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat

irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and

urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Expresses its concern about recent legislative measures adopted by different levels of government, affecting the human rights of migrants and members of their families;

(d) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(e) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(f) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its thirteenth and fourteenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at

[17] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 48* (A/66/48).

borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(e) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(f) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

(g) Encourages States, while upholding the best interest of the child, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host and receiving countries;

(h) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(i) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour,

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(f) Encourages States, relevant international organizations and civil society, including non-governmental organizations, to continue and to enhance their dialogue with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

(g) Invites the Chair of the Committee to address the General Assembly at its sixty-seventh session under the item entitled "Promotion and protection of human rights", within existing resources;

(h) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-seventh session under the item entitled "Promotion and protection of human rights";

10. *Takes note* of the report of the Secretary-General submitted to the General Assembly at its sixty-sixth session on the implementation of resolution 65/212 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;[22]

11. *Requests* the Secretary-General to continue to pursue his efforts to gather information on the subject of the above-mentioned report, while encouraging Member States to submit information with regard to the application of the Convention and recognizing States that have provided the requested information.

[22] A/66/253.

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Sixty-sixth session
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Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Argentina, Armenia, Belarus, Bolivia (Plurinational State of), Brazil, Chile, Ecuador, Eritrea, El Salvador, Guatemala, Guyana, Haiti, Honduras, India, Kyrgyzstan, Mali, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Tajikistan, Turkey and Uruguay: revised draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 65/212 of 21 December 2010, and recalling also Human Rights Council resolution 18/21 of 30 September 2011,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5]

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.

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the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

Taking note with appreciation of the United Nations Development Programme *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

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[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals* (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico *v.* United States of America) (*Mexico* v. *United States of America*), *Judgment* (available from www.icj-cij.org/docket/files/139/14939.pdf).

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which, inter alia, recognized the relationship between international migration, development and human rights,

Noting the fifth meeting of the Global Forum on Migration and Development, to be held in Geneva on 1 and 2 December 2011, which will draw together the results and conclusions of fourteen thematic meetings that have taken place worldwide from January to October 2011 on the central theme "Taking action on migration and development — coherence, capacity and cooperation" as a contribution to promoting international cooperation among States and between States and other actors in order to strengthen the capacity of States to address migration and development opportunities and challenges more effectively, and taking note with appreciation of the generous offer of Mauritius to assume the presidency of the Global Forum for 2012,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of Government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat

irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and

urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its thirteenth and fourteenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of

[17] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 48* (A/66/48).

the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures

necessary to better protect women and girls against dangers and abuse during migration;

(e) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(f) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

(g) Encourages States, while taking into account the best interest of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(h) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(i) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(f) Encourages States, relevant international organizations and civil society, including non-governmental organizations, to continue and to enhance their dialogue with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

(g) Invites the Chair of the Committee to address the General Assembly at its sixty-seventh session under the item entitled "Promotion and protection of human rights", within existing resources;

(h) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-seventh session under the item entitled "Promotion and protection of human rights";

10. *Takes note* of the report of the Secretary-General submitted to the General Assembly at its sixty-sixth session on the implementation of resolution 65/212 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;[22]

11. *Requests* the Secretary-General to continue to pursue his efforts to gather information on the subject of the above-mentioned report, while encouraging Member States to provide information relating to the application of the Convention and recognizing States that have provided the requested information.

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[22] A/66/253.

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Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Kenya:* draft resolution

Follow-up to the International Year of Human Rights Learning

The General Assembly,

Recalling that the purposes and principles set out in the Charter of the United Nations include promoting and encouraging respect for human rights and fundamental freedoms for all,

Reaffirming that all human rights are universal, indivisible and interdependent and that human rights learning can contribute to the understanding of their connectedness to people's daily lives,

Recalling its resolution 60/251 of 15 March 2006, in which it decided that the Human Rights Council should, inter alia, promote human rights education and learning as well as advisory services, technical assistance and capacity-building,

Recalling also the 2005 World Summit Outcome, in which Heads of State and Government expressed their support for the promotion of human rights education and learning at all levels,[1]

Recalling further its resolutions 62/171 of 18 December 2007, 63/173 of 18 December 2008 and 64/82 of 10 December 2009 on the International Year of Human Rights Learning and its follow-up,

Acknowledging that civil society, academia, the private sector, the media and, where appropriate, parliamentarians can play an important role at the national, regional and international levels in the development and facilitation of ways and means to promote and implement learning about human rights as a way of life at the community level,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] See resolution 60/1, para. 131.

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Convinced that integrating human rights learning into all relevant development policies and programmes contributes to enabling people to participate as equals in the decisions that determine their lives,

Having considered the report of the Secretary-General,[2]

1. *Reaffirms its conviction* that every woman, man, youth and child can realize his or her full human potential by learning about the comprehensive framework of human rights and fundamental freedoms, including the ability to act on that knowledge in order to ensure the effective realization of human rights and fundamental freedoms for all;

2. *Encourages* Member States to expand on efforts made beyond the International Year of Human Rights Learning and to consider devoting the financial and human resources necessary to further design and implement international, regional, national and local long-term human rights learning programmes of action aimed at broad-based and sustained human rights learning at all levels, in coordination with civil society, the media, the private sector, academia, parliamentarians and regional organizations, including the appropriate specialized agencies, funds and programmes of the United Nations system, and, where possible, to designate human rights cities;

3. *Calls upon* the United Nations High Commissioner for Human Rights and the Human Rights Council to support, cooperate and collaborate closely with civil society, the private sector, academia, regional organizations, the media and other relevant stakeholders, as well as with organizations, programmes and funds of the United Nations system, and relevant networks and bodies such as the Alliance of Civilizations, the Global Compact and the United Nations Office for Partnerships in efforts to develop, in particular, the design of strategies and international, regional, national and local programmes of action aimed at broad-based and sustained human rights learning at all levels;

4. *Encourages* civil society organizations worldwide, in particular those working at the community level, to integrate human rights learning into dialogue and consciousness-raising programmes with groups working on education, development, poverty eradication, participation, children, indigenous peoples, gender equality, persons with disabilities, elder persons and migrants, as well as on other relevant political, civil, economic, social and cultural issues of concern;

5. *Encourages* relevant actors in civil society, including sociologists, anthropologists, members of academia and of the media and community leaders, to join in further developing the concept of human rights learning as a way to promote the full realization of all human rights and fundamental freedoms for all;

6. *Invites* relevant treaty bodies to take human rights learning into account in their interaction with States parties;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution.

[2] A/66/225.

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Sixty-sixth session
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Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Acknowledging the participation of the Democratic People's Republic of Korea in the universal periodic review process, expressing serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate its position as to which recommendations included in the outcome report of its

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.

Please recycle

universal periodic review[4] in March 2010 enjoy its support, and regretting the continuing lack of action by the Democratic People's Republic of Korea to implement the recommendations contained in the report,

Recalling the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting the cooperation established between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations for the purpose of conducting a rapid food security assessment in the country, as well as the letter of understanding signed with the World Food Programme, and emphasizing the importance of providing further access to all United Nations entities,

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007, 63/190 of 18 December 2008, 64/175 of 18 December 2009 and 65/225 of 21 December 2010, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[5] 2004/13 of 15 April 2004[6] and 2005/11 of 14 April 2005,[7] Human Rights Council decision 1/102 of 30 June 2006[8] and Council resolutions 7/15 of 27 March 2008,[9] 10/16 of 26 March 2009,[10] 13/14 of 25 March 2010[11] and 16/8 of 24 March 2011,[12] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[13] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights

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[4] A/HRC/13/13.

[5] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[9] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[10] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[11] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[12] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[13] See A/66/322.

in the Democratic People's Republic of Korea submitted in accordance with resolution 65/225,[14]

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Noting with regret that the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, has been halted, and hoping that it will be resumed as early as possible and that necessary arrangements for further reunions on a larger scale and a regular basis will be made between the Democratic People's Republic of Korea and the Republic of Korea,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; collective punishments; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[15] and the 1967 Protocol thereto[16] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(iv) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

[14] A/66/343.

[15] United Nations, *Treaty Series*, vol. 189, No. 2545.

[16] Ibid., vol. 606, No. 8791.

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vi) Continuing violations of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence and continuing impunity for such violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(viii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(ix) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15,[9] 10/16,[10] 13/14[11] and 16/8;[12]

(c) The continued refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review by the Human Rights Council or to express its commitment to their implementation, and regrets the lack of actions taken to date to implement the recommendations contained in the final outcome;[4]

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation, including a serious deterioration in the availability of and access to food, in the

country, partly as a result of frequent natural disasters, compounded by structural weaknesses in agricultural production resulting in significant shortages of food, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant women, infants and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the limited access to information;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Human Rights Council in the context of the universal periodic review and the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and strive to implement the recommendations made in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization with a view to significantly improving workers' rights;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production and distribution measures and by allocating more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(i) To improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(j) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-seventh session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 65/241 of 24 December 2010, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which are resolutions 13/25 of 26 March 2010[3] and 16/24 of 25 March 2011,[4]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.
[4] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

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Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the Security Council statements to the press of 22 May and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar[7] and the observations contained therein, and recalling his visit to the country on 3 and 4 July 2009 and the visits of his Special Adviser on Myanmar from 31 January to 3 February, on 26 and 27 June 2009, from 26 to 28 November 2010 and from 11 to 13 May 2011, while urging the Government of Myanmar to make substantive progress in its cooperation with the good offices mission, including by facilitating further visits,

Welcoming further the visit of the Special Rapporteur to Myanmar from 21 to 25 August 2011 and the access granted to political and other actors, including prisoners and welcoming the reports of the Special Rapporteur on the situation of human rights in Myanmar,[8] and urging the implementation of the recommendations contained therein and in previous reports,

Deeply concerned that many of the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not yet been acted upon,

Reaffirming the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy,

Noting the publicly stated commitment of the President of Myanmar to implement reform, promote national reconciliation, safeguard human rights and fundamental freedoms and promote good governance, democracy and the rule of law, and noting also the President's stated commitment to addressing social, economic and environmental issues,

Welcoming the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi, while urging the Government to take further steps to advance an effective and genuine dialogue with the broad spectrum of political parties, including the National League for Democracy, pro-democracy actors, ethnic minorities and other relevant stakeholders in a genuine process of dialogue, national reconciliation and transition to democracy,

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes, noting the Government's stated intention to do so,

1. *Expresses grave concern* about the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, while recognizing the commitment made by the Government of Myanmar to implement reforms to address those violations;

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[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008.*

[6] SC/9662 and SC/9731.

[7] A/66/267.

[8] See A/66/365 and A/HRC/16/59.

2. *Welcomes* the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi and opposition parties, and encourages the Government to develop the current talks into a substantive and regular dialogue while comprehensively engaging with the democratic opposition, including the National League for Democracy, and political, ethnic and civil society groups and actors in order to begin an all-inclusive and democratic reform process leading to national reconciliation and lasting peace in Myanmar;

3. *Calls upon* the Government of Myanmar to continue to ensure that no restrictions are placed on the exercise by Daw Aung San Suu Kyi of all her human rights and fundamental freedoms, in particular with regard to the freedom of movement and the right to participate fully in the political process, including through engagement with relevant stakeholders, and to take adequate measures to protect her physical safety;

4. *Welcomes* the release on 12 October 2011 of more than 200 prisoners of conscience, and strongly urges the Government of Myanmar to release without further delay and without conditions all prisoners of conscience, including the Chairman of the Shan Nationalities League for Democracy, U Hkun Htun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, one of the founders of the 88 Generation Students Group, Ko Ko Gyi, human rights defender U Myint Aye, and the leader of the All Burma Monks' Alliance, U Gambira, and to allow their full participation in the political process, emphasizing that their unrestricted release is fundamental to national reconciliation, and strongly calls upon the Government to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance and to desist from further politically motivated arrests;

5. *Notes* the establishment of new national, regional and state legislatures in Myanmar and some steps taken to engage legislatures on issues relevant to the promotion and protection of human rights, and encourages further efforts in that regard;

6. *Considers* that democratic, transparent and inclusive elections must be the cornerstone of any democratic reform process, and deeply regrets that the 2010 general elections represent a missed opportunity in that regard, noting in particular the restrictions imposed by the electoral laws, limited access to the media, reported incidents of official intimidation, the cancellation of elections in certain ethnic areas and the lack of independence of the electoral commission, and expresses concern at the failure of the electoral commission to follow up on complaints about the electoral process, including about voting procedures;

7. *Calls upon* the Government of Myanmar to lift all restrictions imposed on the representatives of political parties as well as on other political and civil society actors in the country, including by amending the relevant laws, and to ensure that the upcoming by-elections are held in a participatory, inclusive and transparent manner, while recognizing the announcement of changes in the electoral law that would allow for wider participation, and urging that they be put into effect;

8. *Notes* the stated intention of, and first steps by, the Government of Myanmar to carry out media reform and open up space for the press, and strongly calls upon the Government of Myanmar to lift restrictions on the freedom of assembly, association and movement and the freedom of expression, including for

free and independent media, to improve the availability and accessibility of Internet and mobile telephone services, and to end the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

9. *Acknowledges with appreciation* the formation of the Myanmar National Human Rights Commission, encourages the Government of Myanmar to ensure that it is established and mandated in such a way as to be an independent, credible and effective institution, in accordance with the Paris Principles relating to the Status of National Institutions,[9] encourages the Commission to receive complaints and to investigate violations, and recommends that the Government seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the development of that new institution;

10. *Expresses grave concern* at the continuing practice of arbitrary detention, enforced disappearance, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls to that effect have not been heeded, calls upon the Government to do so as a matter of priority and, if necessary, drawing on the assistance of the United Nations;

11. *Takes note* of the recent steps taken by the Government of Myanmar to review some national legislation, and calls upon the Government to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, fully engaging with democratic opposition, civil society groups, ethnic groups and other stakeholders, while recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

12. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and the independence of lawyers, to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

13. *Expresses concern* about the conditions in prisons and other detention facilities and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits, or food and medicine, and calls upon the Government of Myanmar to ensure that proper investigations are conducted of all deaths in prison;

14. *Expresses deep concern* about the resumption of armed conflict and the breakdown of long-standing ceasefires in areas including Kachin and Shan States, as a result of continued pressures imposed by the national authorities on certain ethnic groups and the exclusion of some key ethnic political parties from the political process and from decisions affecting their lives, while noting some steps taken to establish ceasefires in other areas, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to use

[9] Resolution 48/134, annex.

political means to re-establish ceasefire agreements, and also calls upon the Government to expand the offer of peace talks with armed groups on a nationwide basis;

15. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

16. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

17. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

18. *Urges* the Government of Myanmar to intensify its cooperation with the Office of the United Nations High Commissioner for Human Rights and other partners to conduct adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

19. *Calls upon* the Government of Myanmar to consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

20. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

21. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers by the armed forces and other armed groups, in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict, to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, to swiftly conclude and implement an effective joint action plan for the national armed forces, to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children and armed conflict, and to allow unrestricted access to all areas where children are recruited for those purposes;

22. *Notes with appreciation* the prolongation of the supplementary understanding between the International Labour Organization and the Government of Myanmar on forced labour, and the reported progress on changes in law and practice to eliminate the use of forced labour, particularly in relation to awareness-raising, but expresses grave concern at the continuing practice of forced labour, including the reported use of civilian porters, including convict porters, and calls upon the Government to intensify its cooperation with the International Labour

Organization on the basis of the understanding, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing with urgency the recommendations of the Commission of Inquiry of the International Labour Organization;

23. *Welcomes* the approval of the Labour Organizations Bill, and the prior constructive consultation on it with the International Labour Organization, and encourages its full implementation;

24. *Also welcomes* the positive steps taken by the Government of Myanmar to facilitate and improve humanitarian response and calls upon the Government of Myanmar to take further measures to allow humanitarian assistance to reach all persons in need throughout the country by ensuring timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, taking into account the need to process swiftly requests for visa and in-country travel permission;

25. *Further welcomes* the invitation extended to the International Committee of the Red Cross to provide some technical assistance in prisons, and encourages the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

26. *Encourages* the Government of Myanmar to continue to cooperate with international health entities on HIV/AIDS, malaria and tuberculosis;

27. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar,[7] and urges the Government of Myanmar to cooperate fully with the good offices mission, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant stakeholders, including the highest level of leadership, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups, and to respond substantively and without delay to the proposals of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

28. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General;

29. *Also welcomes* the continued contribution of the Group of Friends of the Secretary-General on Myanmar in support of the work of the good offices mission;

30. *Further welcomes* the visit of the Special Rapporteur to Myanmar from 21 to 25 August and the access granted to him, and urges the Government of Myanmar to implement the recommendations addressed to the Government in his report[10] and to cooperate fully with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits;

[10] A/66/365.

31. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

32. *Notes* the participation by the Government of Myanmar in the universal periodic review in January 2011 as the State under review, and strongly encourages the Government to implement the recommendations accepted, including the recommendations to consider acceding to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and other core human rights treaties, while also urging the Government to reconsider the many important recommendations which were rejected and to seek technical cooperation from the Office of the High Commissioner in this regard;

33. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-seventh session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

34. *Decides* to continue the consideration of the question at its sixty-seventh session, on the basis of the reports of the Secretary-General and the Special Rapporteur.

United Nations A/C.3/66/L.56

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 65/226 of 21 December 2010,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 65/226,[3] which highlights further negative developments in the human rights situation in the Islamic Republic of Iran, and the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted pursuant to resolution 16/9 of the Human Rights Council,[4] which notes concern over reports of targeted violence and discrimination against minority groups and alarm at a documented dramatic increase in executions, including secret group executions carried out inside prisons;

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/66/361.
[4] See A/66/374.

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2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence of and dramatic increase in the carrying out of the death penalty in the absence of internationally recognized safeguards, including public executions, notwithstanding a circular from the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(c) The continuing imposition and carrying out of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[5] and the International Covenant on Civil and Political Rights;[2]

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) The practice of suspension strangulation as a method of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding a circular from the former head of the judiciary prohibiting stoning;

(f) The continuing and systematic targeting of human rights defenders, including, inter alia, lawyers, journalists and other media representatives, Internet providers and bloggers, who endure intimidation, interrogation, arrest and arbitrary detention as a result of their activities, noting in particular the continued harassment and detention of staff members of the Defenders of Human Rights Centre;

(g) Pervasive gender inequality and violence against women, including sexual violence, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly and increased discrimination against women and girls in law and in practice;

(h) Continuing discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including, inter alia, Arabs, Azeris, Baluchis and Kurds and their defenders, noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, the violent repression of environmental protests in Azeri territory and the high rate of executions of persons belonging to minority groups;

(i) Increased persecution and human rights violations against persons belonging to recognized religious minorities, including, inter alia, Christians, Jews, Sufis, Sunni Muslims and Zoroastrians and their defenders, noting in particular the widespread arrest and detention of Sufis and evangelical Christians and reports of harsh sentences against Christian pastors;

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[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

(j) Increased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i faith, including escalating attacks on Baha'is and their defenders, including in State-sponsored media, a significant increase in the number of Baha'is arrested and detained, including the targeted attack on the Baha'i educational institution, the reinstatement of twenty-year sentences against seven Baha'i leaders following deeply flawed legal proceedings, and renewed measures to deny Baha'is employment in the public and private sectors;

(k) The continuing and sustained house arrest of leading opposition figures from the 2009 presidential elections;

(l) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, political opponents, human rights defenders, lawyers, journalists, Internet providers, Internet users, bloggers, clerics, artists, filmmakers, academics, students, labour leaders and trade unions from all sectors of Iranian society;

(m) The continuing use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of expression and freedom of peaceful assembly and association;

(n) Severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and the arbitrary demolition of places of worship and burial;

(o) Persistent failure to uphold due process of law, and violations of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, and the poor conditions of prisons, including the serious overcrowding and poor level of sanitation, as well as persistent reports of detainees being subjected to torture and rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(p) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including voicemail and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct any comprehensive investigation or to launch an accountability process for alleged violations in the period following the presidential elections of 12 June 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Calls upon* the Government of the Islamic Republic of Iran to immediately and unconditionally release all those who have been arbitrarily arrested and detained for simply exercising their right to peaceful assembly and participating

in peaceful protests about political, economic, environmental or other issues, including the conduct and results of the 2009 presidential elections;

5. *Strongly urges* the Government of the Islamic Republic of Iran to ensure free, fair, transparent and inclusive parliamentary elections in 2012 that reflect the will of the people and are consistent with the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights and all other relevant human rights instruments to which the State is a party, and calls on the Government to allow independent observation, including by civil society and candidates, of the electoral process and to allow independent local and international journalists to freely observe and report on the elections as well as subsequent political developments;

6. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, executions of minors and persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on a par with that of all Iranians;

(g) To eliminate discrimination against, and exclusion of, women and members of certain groups, including members of the Baha'i faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities;

(h) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and to accord the seven Baha'i leaders held since 2008 the due process of law and rights that they are constitutionally guaranteed, including the right to adequate legal representation without intimidation and the right to timely, fair and open legal proceedings;

[6] See E/CN.4/1996/95/Add.2.

(i) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(j) To end restrictions placed on Internet users and Internet providers that violate the rights to freedom of expression, association and privacy;

(k) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(l) To end the use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of their rights to freedom of expression, peaceful assembly and association;

(m) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

7. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[7]

8. *Further calls upon* the Government of the Islamic Republic of Iran to consider ratifying or acceding to the international human rights treaties to which it is not already a party, to effectively implement those human rights treaties to which it is already a party, to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, and to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party;

9. *Welcomes* the appointment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;

10. *Calls upon* the Government of the Islamic Republic of Iran to positively avail itself of the opportunity to cooperate fully with the Special Rapporteur and other international human rights mechanisms, including by allowing the Special Rapporteur unfettered access to the country to carry out his mandate;

11. *Encourages* the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

12. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in six years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

[7] Resolution 48/134, annex.

13. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review by the Human Rights Council,[8] with the full and genuine participation of civil society and other stakeholders;

14. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the situation of human rights in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its nineteenth session;

16. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

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[8] See A/HRC/14/12.

United Nations A/C.3/66/L.57

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

France, Germany and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Recalling Human Rights Council resolution S-17/1 of 22 August 2011, which established an independent international commission of inquiry to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic,

Noting the statement of the Secretary-General of the League of Arab States following the emergency meeting of the League of Arab States held on 16 October 2011 on the situation in the Syrian Arab Republic,

1. *Welcomes* the efforts made by the League of Arab States to put an immediate end to all violence and to initiate a comprehensive dialogue between the Syrian opposition and the Syrian authorities;

2. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations, to protect their population and to put an immediate end to all violence in the Syrian Arab Republic;

3. *Urges* the Syrian authorities to cooperate with the ministerial committee established by the League of Arab States;

4. *Also urges* the Syrian authorities to cooperate with the commission of inquiry.

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Sixty-sixth session
Third Committee
Agenda items 69 (a) and 134

Promotion and protection of human rights: implementation of human rights instruments

Proposed programme budget for the biennium 2012-2013

Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

Programme budget implications of draft resolution A/C.3/66/L.29

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of paragraph 4 of draft resolution A/C.3/66/L.29, the General Assembly would decide to authorize the Committee to meet for an additional week per year in order to address the reports awaiting consideration, and also decide to review, during the sixty-seventh session of the General Assembly, the extension of the Committee's sessions.

II. Relationship of the draft resolution to the strategic framework for the period 2012-2013 and to the proposed programme budget for the biennium 2012-2013

2. The activities referred to above relate to part B, Conference management, Geneva, of programme 1, General Assembly and Economic and Social Council affairs and conference management; subprogramme 2, Supporting human rights treaty bodies, of programme 19, Human rights; and programme 24, Management and support services, of the strategic framework for the period 2012-2013 (A/65/6/Rev.1). They also fall under sections 2, General Assembly and Economic and Social Council affairs and conference management; 24, Human rights; and

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29E, Administration, Geneva, of the proposed programme budget for the biennium 2012-2013.

III. Activities by which the proposed requests would be implemented

3. Should the General Assembly adopt draft resolution A/C.3/66/L.29, the Committee on the Rights of Persons with Disabilities would meet in Geneva for one additional week in 2012 and 2013, respectively, in order to address the reports awaiting consideration. This arrangement would represent an addition to the existing arrangements for the Committee, which currently meets for two one-week sessions per year, and would increase the Committee's meeting time by 50 per cent. The additional costs for the members of the Committee to remain in Geneva for one additional week, and the related conference-servicing costs associated with interpretation into official languages plus sign language, and translation and publication of associated documentation, including Braille, were not foreseen in the programme of work and no provisions were included in the proposed programme budget for the biennium 2012-2013.

IV. Additional resource requirements for the biennium 2012-2013

4. The full costs of the activities envisaged under the terms of the draft resolution would amount to $1,496,600 per year, or $2,993,200 for the biennium.

5. The extension of one annual session of the Committee for an additional week in Geneva, while not involving additional travel requirements, would result in additional daily subsistence allowance for 7 days for 18 members of the Committee ($62,300) and their assistants ($44,500), for a total of $106,800 per year under section 24, Human rights, of the proposed programme budget for the biennium 2012-2013. Additional conference-servicing requirements of $1,389,800 per year would arise, comprising $1,385,400 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $4,400 under section 29E, Administration, Geneva. The details of these additional requirements are provided in the table below.

	Additional requirements in 2012	*Additional requirements in 2013*	*Total additional requirements in 2012-2013*
Daily subsistence allowance for members and their assistants	106 800	106 800	213 600
Subtotal, section 24	**106 800**	**106 800**	**213 600**
Meetings servicing	105 300	105 300	210 600
Pre-session documentation	555 000	555 000	1 110 000
In-session documentation	57 100	57 100	114 200
Summary records	143 300	143 300	286 600
Post-session documentation	57 100	57 100	114 200
Braille reproduction and distribution	232 900	232 900	465 800
Sign language interpretation	222 900	222 900	445 800
Other requirements (video, documents control, etc.)	11 800	11 800	23 600
Subtotal, section 2	**1 385 400**	**1 385 400**	**2 770 800**
Other conference services — Geneva	4 400	4 400	8 800
Subtotal, section 29E	**4 400**	**4 400**	**8 800**
Grand total	**1 496 600**	**1 496 600**	**2 993 200**

V. Potential for absorption during the biennium 2012-2013

6. No provision has been made in the proposed programme budget for the biennium 2012-2013 for the activities requested under paragraph 4 of draft resolution A/C.3/66/L.29. At the current stage, it is not possible to identify activities within the relevant sections of the proposed programme budget for the biennium 2012-2013 that could be terminated, deferred, curtailed or modified during the biennium. It would therefore be necessary for additional resources in the amount of $2,993,200 to be provided through an additional appropriation.

VI. Contingency fund

7. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Summary

8. **Should the General Assembly adopt draft resolution A/C.3/66/L.29, additional resources in the total amount of $2,993,200 would be required, including $213,600 under section 24, Human rights; $2,770,800 under section 2, General Assembly and Economic and Social Council affairs and conference management; and $8,800 under section 29E, Administration, Geneva, of the proposed programme budget for the biennium 2012-2013. This would represent a charge against the contingency fund and, as such, would require additional appropriation for the biennium 2012-2013 to be approved by the General Assembly.**

United Nations A/C.3/66/L.59

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Sixty-sixth session
Third Committee
Agenda item 28 (b)
Advancement of women: implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly

Draft resolution submitted by the Chair on the basis of informal consultations

Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

The General Assembly,

Recalling its previous resolutions on the question, including resolution 65/191 of 21 December 2010, and also recalling the section of resolution 64/289 of 2 July 2010 entitled "Strengthening the institutional arrangements for support of gender equality and the empowerment of women",

Deeply convinced that the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty first century"[2] are important contributions to the achievement of gender equality and the empowerment of women and must be translated into effective action by all States, the United Nations system and other organizations concerned,

Reaffirming the commitments to gender equality and the advancement of women made at the Millennium Summit,[3] the 2005 World Summit,[4] the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals[5] and other major United Nations summits, conferences and special sessions, and reaffirming also that their full, effective and accelerated implementation is integral

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[2] Resolution S-23/2, annex, and resolution S-23/3, annex.
[3] See resolution 55/2.
[4] See resolution 60/1.
[5] See resolution 65/1.

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to achieving the internationally agreed development goals, including the Millennium Development Goals,

Welcoming progress made towards achieving gender equality, but stressing that challenges and obstacles remain in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session,

Recognizing that the responsibility for the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session rests primarily at the national level and that strengthened efforts are necessary in this respect, and reiterating that enhanced international cooperation is essential for full, effective and accelerated implementation,

Welcoming the work of the Commission on the Status of Women in reviewing the implementation of the Beijing Declaration and Platform for Action, and taking note with appreciation of all its agreed conclusions, including the latest, on access and participation of women and girls in education, training and science and technology, including for the promotion of women's equal access to full employment and decent work, adopted by the Commission at its fifty-fifth session,[6]

Welcoming also the full operationalization of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) on 1 January 2011,

Recognizing that the participation and contribution of civil society, in particular women's groups and other non-governmental organizations, are important to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session,

Reaffirming that gender mainstreaming is a globally accepted strategy for promoting the empowerment of women and achieving gender equality by transforming structures of inequality, and reaffirming also the commitment to actively promote the mainstreaming of a gender perspective into the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, as well as the commitment to strengthen the capabilities of the United Nations system in the area of gender equality,

Reaffirming also the commitments in regard to gender equality and the empowerment of women in the Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus,[7]

Bearing in mind the challenges and obstacles to changing discriminatory attitudes and gender stereotypes, which perpetuate discrimination against women and stereotypic roles of men and women, and stressing that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women,

Reaffirming the Declaration of Commitment on HIV/AIDS[8] and the Political Declaration on HIV and AIDS adopted at the High-level Meeting on AIDS, held on

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[6] See *Official Records of the Economic and Social Council, 2011, Supplement No. 7* (E/2011/27), chap. I, sect. A.

[7] Resolution 63/239, annex.

[8] Resolution S-26/2, annex.

10 June 2011,[9] in which, inter alia, the promotion of gender equality and the empowerment of women were recognized as fundamental for reducing the vulnerability of women to HIV,

Expressing serious concern that the urgent goal of 50/50 gender balance in the United Nations system, especially at senior and policymaking levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, remains unmet, and that the representation of women in the United Nations system has remained almost static, with negligible improvement in some parts of the system, as reflected in the report of the Secretary-General on the improvement of the status of women in the United Nations system,[10]

Reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding,

Recalling Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010 on women and peace and security and resolution 1882 (2009) of 4 August 2009 on children and armed conflict,

1. *Takes note with appreciation* of the report of the Secretary-General on the measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly;[11]

2. *Reaffirms* the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women[1] and the outcome of the twenty-third special session of the General Assembly,[2] as well as the declaration adopted on the occasion of the fifteen-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action at the fifty-fourth session of the Commission on the Status of Women,[12] and also reaffirms its commitment to their full, effective and accelerated implementation;

3. *Also reaffirms* the primary and essential role of the General Assembly and the Economic and Social Council, as well as the catalytic role of the Commission on the Status of Women, in promoting gender equality and the empowerment of women based on the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and in promoting and monitoring gender mainstreaming within the United Nations system;

4. *Recognizes* that the implementation of the Beijing Declaration and Platform for Action and the fulfilment of the obligations of States parties under the Convention on the Elimination of All Forms of Discrimination against Women[13] are mutually reinforcing in respect of achieving gender equality and the empowerment of women, and in this regard welcomes the contributions of the Committee on the

[9] Resolution 65/277, annex.

[10] A/65/334.

[11] A/66/211.

[12] See *Official Records of the Economic and Social Council, 2010, Supplement No. 7* and corrigendum (E/2010/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2010/232.

[13] United Nations, *Treaty Series*, vol. 1249, No. 20378.

Elimination of Discrimination against Women to promoting the implementation of the Platform for Action and the outcome of the twenty-third special session, and invites States parties to the Convention to include information on measures taken to enhance implementation at the national level in their reports to the Committee under article 18 of the Convention;

5. *Calls upon* States parties to comply fully with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto[14] and to take into consideration the concluding observations as well as the general recommendations of the Committee, urges States parties to consider limiting the extent of any reservations that they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the Convention, also urges all Member States that have not yet ratified or acceded to the Convention to consider doing so, and calls upon those Member States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocol;

6. *Welcomes* the progress made in the effective functioning of UN-Women in regard to its governance structure, as well as administration, budgeting and human resources;

7. *Reaffirms* the important role of UN-Women in leading, coordinating and promoting accountability of the United Nations system in its work on gender equality and the empowerment of women;

8. *Calls upon* UN-Women to continue to support gender mainstreaming across the United Nations system as an integral part of its work and, in that regard, to place a strong and more systematic focus on support for gender mainstreaming across the United Nations system;

9. *Welcomes* the commitment of UN-Women to support Member States in their efforts to develop and strengthen norms, policies and standards on gender equality and women's empowerment as well as to integrate gender perspectives in sectoral policy and normative frameworks;

10. *Urges* Member States to increase funding for the budget of UN-Women by providing, when legislative and budgetary provisions allow, core, multi-year, predictable, stable and sustainable voluntary contributions, recognizing the importance of adequate funding in enabling UN-Women to implement its strategic plan promptly and effectively, and recognizing also that the mobilization of financial resources for achieving its goals still remains a challenge;

11. *Encourages* all actors, inter alia, Governments, the United Nations system, other international organizations and civil society, to continue to support the work of the Commission on the Status of Women in fulfilling its central role in the follow-up to and review of the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, and, as applicable, to carry out the recommendations of the Commission, and welcomes in this regard the Commission's continued sharing of experiences, lessons learned and good practices in overcoming challenges to full implementation at the national and

[14] Ibid., vol. 2131, No. 20378.

international levels, and the evaluation of progress in the implementation of priority themes;

12. *Calls upon* Governments and the organs and relevant funds, programmes and specialized agencies of the United Nations system, within their respective mandates, and other international and regional organizations, including financial institutions, and all relevant actors of civil society, including non-governmental organizations, to intensify action to achieve the full and effective implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

13. *Reaffirms* that States have an obligation to exercise due diligence to prevent violence against women and girls, provide protection to the victims and investigate, prosecute and punish the perpetrators of violence against women and girls and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms, calls upon Governments to elaborate and implement laws and strategies to eliminate violence against women and girls, encourages and supports men and boys in taking an active part in the prevention and elimination of all forms of violence, encourages increased understanding among men and boys of how violence harms girls, boys, women and men and undermines gender equality, encourages all actors to speak out against any violence against women, and in this regard encourages Member States to continue to support the Secretary-General's ongoing campaign "UNiTE to End Violence against Women" and the UN-Women social mobilization and advocacy platform "Say NO to violence against women";

14. *Reiterates its call* to the United Nations system, including the main organs, their main committees and subsidiary bodies, functions such as the annual ministerial review and the Development Cooperation Forum of the Economic and Social Council, and the funds, programmes and specialized agencies, to increase efforts to fully mainstream a gender perspective into all issues under their consideration and within their mandates, as well as in all United Nations summits, conferences and special sessions and in their follow-up processes, including the United Nations Conference on Sustainable Development in 2012 and the review and appraisal of the Madrid International Plan of Action on Ageing, 2002, at the fifty-first session of the Commission for Social Development, in 2013;

15. *Requests* that the entities of the United Nations system systematically incorporate the outcomes of the Commission on the Status of Women into their work within their mandates, inter alia, to ensure effective support for the efforts of Member States towards the achievement of gender equality and the empowerment of women, and in this regard welcomes the commitment of UN-Women to establish concrete results-based reporting mechanisms, as well as to ensure coherence, consistency and coordination between the normative and operational aspects of its work;

16. *Strongly encourages* Governments to continue to support the role and contribution of civil society, in particular non-governmental organizations and women's organizations, in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session;

17. *Calls upon* Governments and the United Nations system to encourage women's groups and other non-governmental organizations specializing in gender

equality and the empowerment of women to participate in intergovernmental processes, including through increased outreach, funding and capacity-building;

18. *Also calls upon* intergovernmental bodies of the United Nations to systematically request the inclusion of a gender perspective in reports of the Secretary-General and other inputs to intergovernmental processes;

19. *Requests* that reports of the Secretary-General submitted to the General Assembly and the Economic and Social Council and their subsidiary bodies systematically address gender perspectives through qualitative gender analysis and the provision of sex- and age-disaggregated data and, where available, quantitative data, in particular through concrete conclusions and recommendations for further action on gender equality and the empowerment of women, in order to facilitate gender-sensitive policy development, and in this regard requests the Secretary-General to convey the importance of reflecting a gender perspective to all stakeholders who provide inputs to his reports;

20. *Encourages* Member States, with the support of, as appropriate, United Nations entities, including UN-Women, international and regional organizations and other relevant actors, to prioritize the strengthening of national data collection and monitoring capacities, with regard to statistics disaggregated by sex and age, as well as national tracking indicators for gender equality and the empowerment of women through multisectoral efforts and partnerships;

21. *Calls upon* all parts of the United Nations system to continue to play an active role in ensuring the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, through, inter alia, the maintenance of gender specialists in all entities of the United Nations system, as well as by ensuring that all personnel, especially in the field, receive training and appropriate follow-up, including tools, guidance and support, for accelerated gender mainstreaming, and reaffirms the need to strengthen the capabilities of the United Nations system in the area of gender;

22. *Requests* the Secretary-General to review and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance at all levels throughout the United Nations system, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, considering, in particular, women from developing and least developed countries, from countries with economies in transition and from unrepresented or largely underrepresented Member States, and to ensure managerial and departmental accountability with respect to gender balance targets, and strongly encourages Member States to identify and regularly submit more women candidates for appointment to positions in the United Nations system, especially at more senior and policymaking levels, including in peacekeeping operations;

23. *Calls upon* the United Nations system to continue its efforts towards achieving the goal of gender balance, including with the active support of gender focal points, and requests the Secretary-General to provide an oral report to the Commission on the Status of Women at its fifty-sixth session and to report to the General Assembly at its sixty-seventh session on the improvement of the status of women in the United Nations system, under the item entitled "Advancement of women", and on progress made and obstacles encountered in achieving gender

balance, recommendations for accelerating progress, and up-to-date statistics, including the number and percentage of women and their functions and nationalities throughout the United Nations system, and information on the responsibility and accountability of the offices of human resources management and the secretariat of the United Nations System Chief Executives Board for Coordination for promoting gender balance;

24. *Encourages* increased efforts by Governments and the United Nations system to enhance accountability for the implementation of commitments to gender equality and the empowerment of women at the international, regional and national levels, including by improved monitoring and reporting on progress in relation to policies, strategies, resource allocations and programmes and by achieving gender balance;

25. *Reaffirms* that Governments bear the primary responsibility for the achievement of gender equality and the empowerment of women and that international cooperation has an essential role in assisting developing countries in progressing towards the full implementation of the Beijing Declaration and Platform for Action;

26. *Requests* the Secretary-General to continue to report annually to the General Assembly under the item entitled "Advancement of women", as well as to the Commission on the Status of Women and the Economic and Social Council, on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, with an assessment of progress in gender mainstreaming, including information on key achievements, lessons learned and good practices, and recommendations on further measures to enhance implementation.

United Nations A/C.3/66/L.60

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Belarus, Benin, Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guinea, India, Iraq, Kazakhstan, Kyrgyzstan, Myanmar, Namibia, Nicaragua, Nigeria, Russian Federation, Sudan, Tajikistan, Turkmenistan, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] and 18/15 of 29 September 2011, as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009 and 65/199 of 21 December 2010 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., 2005, *Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

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2009 and 65/240 of 24 December 2010, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[7] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[8] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Recalling that in 2010 the international community celebrated the sixty-fifth anniversary of victory in the Second World War, and welcoming in this regard the special solemn meeting of the sixty-fourth session of the General Assembly, held on 6 May 2010,

Recalling also that the sixty-sixth session of the General Assembly coincides with the sixty-fifth anniversary of the Judgement of the Nuremberg Tribunal,

Taking note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted to the Human Rights Council in accordance with the request contained in General Assembly resolution 65/199,[9]

1. *Reaffirms* the relevant provisions of the Durban Declaration[7] and of the outcome document of the Durban Review Conference,[8] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 65/199;[10]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office;

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[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] See A/CONF.211/8, chap. I.

[9] A/HRC/18/44.

[10] See A/66/312.

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[11]

6. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of national, ethnic, religious or linguistic minorities, as observed by the Special Rapporteur in his latest report to the General Assembly;

7. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and poison the minds of young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

9. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased political and legal vigilance;

10. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

11. *Recalls* the recommendation of the Special Rapporteur, made in his latest report to the General Assembly, to introduce into domestic criminal law a provision

[11] United Nations, *Treaty Series*, vol. 1125, No. 17512.

according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

12. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

13. *Emphasizes* the recommendation of the Special Rapporteur regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism;

14. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

15. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

16. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

17. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence or incitement to such acts shall be declared offences punishable by law, in accordance

with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

18. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, as outlined in the latest report of the Special Rapporteur to the General Assembly, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to implement fully articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and set out the limitations thereto;

19. *Underlines*, at the same time, the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

20. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur in his report to the General Assembly at its sixty-fifth session;

21. *Notes* the importance of strengthening international cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

22. *Encourages* States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

23. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

24. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-seventh session and to the Human Rights Council at its twentieth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 5, 7, 8, 13 and 14 thereof, based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 23 above;

25. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly;

26. *Also expresses its appreciation* to civil society actors that contribute to the fight against racism, racial discrimination, xenophobia and related intolerance in an impartial and unbiased manner;

27. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as extremist ideological movements;

28. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 23 above;

29. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

30. *Decides* to remain seized of the issue.

United Nations A/C.3/66/L.61

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Sixty-sixth session
Third Committee
Agenda item 68
Right of peoples to self-determination

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Ethiopia, Grenada, Guinea, Hungary, Iceland, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Montenegro, Morocco, Mozambique, Namibia, Nicaragua, Pakistan, Panama, Poland, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

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Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption and accelerated advancement of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 65/202 of 21 December 2010,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 50/6.

[6] See resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

[11] S/2003/529, annex.

United Nations A/C.3/66/L.62

General Assembly

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1 November 2011

Original: English

Sixty-sixth session
Third Committee
Agenda item 68
Right of peoples to self-determination

Belarus, Bolivia (Plurinational State of), Cuba, El Salvador, Nicaragua: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 65/203 of 21 December 2010, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010[2] and 18/4 of 29 September 2011,[3] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[4] as well as by the African Union,[5]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.
[2] Ibid., chap. I.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.
[4] United Nations, *Treaty Series*, vol. 1490, No. 25573.
[5] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

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peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[6]

Welcoming the establishment of the open-ended intergovernmental Working Group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Concerned at the alleged involvement of mercenaries, as well as employees of some private military and security companies with mercenary-related activities, in serious human rights violations, including summary executions, enforced disappearances, rape, torture, cruel, inhuman or degrading treatment, arbitrary arrests and detentions, arson, pillaging and looting,

Convinced that a comprehensive, legally binding international regulatory instrument is important to regulate private military and security companies, and in this regard to take measures to ensure their accountability for human rights violations through which to monitor their activities,

Convinced also that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,[7] and expresses its appreciation for the work of the experts of the Working Group;

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[6] Resolution 2625 (XXV), annex.

[7] See A/66/317.

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[8]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

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[8] United Nations, *Treaty Series*, vol. 2163, No. 37789.

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[9] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of the five regional governmental consultations on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Notes with appreciation* the work of the Working Group on the elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, which it carried out after country visits and through the process of regional consultations, and in consultation with academics and intergovernmental and non-governmental organizations, and also notes its work on the draft convention on the regulation, monitoring and oversight of private military and security companies for consideration by Member States;[10]

18. *Notes* the summary of the first session of the open-ended intergovernmental Working Group of the Human Rights Council to consider the possibility of elaborating an international regulatory framework on the regulation,

[9] See E/CN.4/2004/15, para. 47.

[10] See A/HRC/15/25.

monitoring and oversight of the activities of private military and security companies, expresses satisfaction about the participation of experts, including of the members of the Working Group on the use of mercenaries, as resource persons at that session, and requests the Working Group on the use of mercenaries and other experts to continue to do so;

19. *Encourages* Member States to continue considering the proposal of the Working Group on the use of mercenaries for a possible convention for regulating private military and security companies,[11] and recommends to all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, to contribute to the work of the open-ended intergovernmental Working Group, taking into account the initial work done by the Working Group on the use of mercenaries;

20. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

21. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

22. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-seventh session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

23. *Decides* to consider at its sixty-seventh session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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[11] A/65/325, annex.

United Nations A/C.3/66/L.63

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 62
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Andorra, Armenia, Australia, Canada, Croatia, Denmark, Egypt, Finland, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Micronesia (Federated States of), Montenegro, Norway, Republic of Moldova, Serbia, Slovenia, Sweden, Switzerland and the former Yugoslav Republic of Macedonia: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-second session[2] and the decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-second session;[2]

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 12* (A/66/12).
[2] Ibid., *Supplement No. 12A* (A/66/12/Add.1).

2. *Welcomes* the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees[3] and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness,[4] and welcomes in this context the convening and facilitation by the United Nations High Commissioner for Refugees of an intergovernmental commemorative event at the ministerial level as a recognition by States of the importance of respecting and upholding the values and principles enshrined in these two instruments;

3. *Also welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees[3] and the 1967 Protocol thereto[5] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-eight States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Notes* that sixty-eight States are now parties to the 1954 Convention relating to the Status of Stateless Persons[6] and that forty States are parties to the 1961 Convention on the Reduction of Statelessness,[4] encourages States that have not done so to give consideration to acceding to those instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Encourages* the Office of the High Commissioner to pursue its efforts to strengthen its capacity to respond adequately to emergencies and thereby ensure a more predictable response to inter-agency commitments in case of emergency;

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 989, No. 14458.
[5] Ibid., vol. 606, No. 8791.
[6] Ibid., vol. 360, No. 5158.

10. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

11. *Encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the cluster lead for protection, camp coordination and management, and emergency shelter in complex emergencies;

12. *Also encourages* the Office of the High Commissioner, among other relevant United Nations and other relevant intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian assistance and to contribute, in consultation with States, as appropriate, to making further progress towards common humanitarian needs assessments, as stated, among other important issues, in General Assembly resolution 65/133 of 15 December 2010 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

13. *Further encourages* the Office of the High Commissioner to engage in and implement in full the objectives of the Delivering as One initiative;

14. *Notes with appreciation* the progress made in the implementation of the process of structural and management change, including the global needs assessment initiative, undertaken by the Office of the High Commissioner, and encourages the Office to consolidate the various aspects of the reform process, including the results-based management and accountability framework and strategy, and to focus on continuous improvement in order to enable a more efficient response to the needs of beneficiaries and to ensure the effective and transparent use of its resources;

15. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all measures necessary to ensure respect for human rights and international humanitarian law;

16. *Expresses deep concern* about the increasing number of attacks against humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working in the most difficult and challenging conditions in order to assist those in need;

17. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity and that the perpetrators of such acts are promptly brought to justice as provided for by national laws and obligations under international law;

18. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all States concerned to ensure respect for the relevant principles of refugee protection and human rights;

19. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

20. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and in ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular, welcomes, in this context, the series of dialogues with women and girls initiated by the Office, in this anniversary year, as an important move towards increasing understanding and improving the protection of women and girls, and underscores the importance of continuing to work on this issue;

21. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

22. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

23. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

24. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted

refugee situations, which includes an approach to sustainable and timely return that encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

25. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

26. *Notes with appreciation* the efforts that an increasing number of States are making to create opportunities for resettlement as a durable solution, recognizes the need to increase the number of resettlement places, invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework of Understandings on Resettlement,[7] where appropriate and feasible, and, in this context, commends the efforts in launching a global resettlement solidarity initiative in April 2011 by the Office and by those States that have responded generously in this respect;

27. *Notes with appreciation* the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees, and encourages States to continue their efforts to address, in a comprehensive manner, the needs of the people who require international protection in their respective regions, including the support provided for host communities that receive large numbers of persons who require international protection;

28. *Notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

29. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

30. *Expresses concern* about the challenges associated with climate change and environmental degradation to the protection activities of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in the least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

31. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international

[7] Available from www.unhcr.org.

solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, whose generosity is appreciated, in particular those that have received large numbers of refugees and asylum-seekers, calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition, and notes with appreciation those donor States, organizations and individuals who contribute to improving the condition of refugees who remain vulnerable members of society;

32. *Expresses deep concern* about the existing and potential challenges posed by the world financial and economic crisis to the activities of the Office of the High Commissioner;

33. *Calls upon* the Office of the High Commissioner to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

34. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[8] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006, 62/124 of 18 December 2007, 63/148 of 18 December 2008, 64/127 of 18 December 2009 and 65/194 of 21 December 2010 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

35. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-seventh session.

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[8] Resolution 428 (V), annex.

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Sixty-sixth session
Third Committee
Agenda item 64
Report of the Human Rights Council

United Republic of Tanzania:* draft resolution

Report of the Human Rights Council

The General Assembly,

Having considered the report of the Human Rights Council and its addendum and the recommendations contained therein,[1]

Takes note of the report of the Human Rights Council and the addendum thereto,[1] and notes with concern some of the recommendations contained therein.

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53) and ibid., *Supplement No. 53A* (A/66/53/Add.1).

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Sixty-sixth session
Third Committee
Agenda item 64
Report of the Human Rights Council

United Republic of Tanzania:* revised draft resolution

Report of the Human Rights Council

The General Assembly,

Recalling its resolutions 60/251 of 15 March 2006, by which it established the Human Rights Council, and 65/281 of 17 June 2011, by which it reviewed the Human Rights Council,

Recalling also its resolutions 62/219 of 22 December 2007, 63/160 of 18 December 2008, 64/143 of 18 December 2009 and 65/195 of 21 December 2010,

Having considered the recommendations contained in the report of the Human Rights Council,[1]

1. *Notes* the report of the Human Rights Council, its addendum and some of its recommendations.

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53) and ibid., *Supplement No. 53A* (A/66/53/Add.1).

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